

AF / 1657


July 15, 2004

Date of Deposit

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deposited with the United States District Court for the District of Columbia and is addressed to Mr. [REDACTED] and Mr. [REDACTED].

 Gina

PATENT APPLICATION

Customer Number: 22,852

Attorney Docket No. 04121.0165-00000

In re Application of:

Ronda M. ALLEN et al.

Serial No.: 09/648,641

Filed: August 25, 2000

For: METHODS FOR PURIFYING
DNA POLYMERASES

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) Group Art Unit: 1654
)
) Examiner: Michael V. Meller
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) **Mail Stop AF**
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned now provides a statement of the substance of the interview she had with Examiner Meller on June 30, 2004. Claims 1, 2, 10-15, and 17-18 were discussed. The undersigned requested clarification of the Examiner's basis for rejecting those claims under 35 U.S.C. § 112, first paragraph, in the Final Office Action mailed January 12, 2004. Examiner Meller contended that the specification enables obtaining archaeal polymerase from *Pyrococcus furiosus*, but it allegedly does not enable obtaining archaeal polymerase from any sample comprising archaeal polymerase. The undersigned explained why the level of predictability in the art and the Examples in the specification enable the scope of the claims by reiterating arguments already of record

at pages 6-8 of the Amendment and Response filed October 16, 2003. Examiner Meller stated that he would reconsider this rejection in view of the Applicants' arguments.

The undersigned and Examiner Meller also discussed the rejection of the claims under 35 U.S.C. § 103 in the Final Office Action mailed January 12, 2004. The undersigned explained that polymerase obtained by the claimed methods substantially lacks accessory factors. See, e.g., present specification at page 4, lines 10-14. In contrast, the cited documents do not show or suggest obtaining polymerase that substantially lacks accessory factors. Examiner Meller stated that such arguments would not be considered after final, but would be considered if prosecution were reopened, e.g., by the filing of an RCE.

Please grant any extensions of time required to enter this Interview Summary and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 15, 2004

By: Danielle Pasqualone
Danielle M. Pasqualone
Reg. No. 43,847